EXHIBIT N
(Redacted)

HIGHLY CONFIDENTIAL

Page 1

1

2   H I G H L Y   C O N F I D E N T I A L

3

IN THE UNITED STATES DISTRICT COURT

4   FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

5   ------------------------------x

UNITED STATES, et al.,

6

            Plaintiffs,

7

            vs.   Case No.

8   1:23-cv-000108

GOOGLE LLC,

9

            Defendant.

10   ------------------------------x

11

12   HIGHLY CONFIDENTIAL

13   VIDEOTAPED DEPOSITION OF BENNEASER JOHN

14   New York, New York

15   Friday, September 8, 2023

16   9:17 a.m.

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19

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23   Reported by:

Jennifer Ocampo-Guzman, CRR, CLR

24   JOB NO. 6082515

25

HIGHLY CONFIDENTIAL

Page 157

1   JOHN - HIGHLY CONFIDENTIAL

2   strategy of what is the product features and

3   comparative analysis and how should we

4   position our product to the market and

5   customers.

6   Q.   Is it fair to say that this

7   document was created in the regular course of

8   Xandr's business?

9   A.   It's one of the documents that we

10   create to explain our products to the field

11   and customers, correct.

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21   Q.   I just mean, did Xandr store this

22   document in the regular course of its

23   business?

24   A.   Oh, yeah.

25   Q.   And it's fair to say this document

HIGHLY CONFIDENTIAL

Page 158

1   JOHN - HIGHLY CONFIDENTIAL

2   would be created by someone who's

3   knowledgeable about Xandr's ad server and its

4   competitors; is that right?

5   A.   It look like it, yes.

6   Q.   Okay. Let me ask you to start

7   with the -- there's a box on the left that

8   says "Target Customer."

9   A.   Yes.

10   Q.   And then on the right there's -- it

11   says, "Omnichannel Publishers" and there's

12   some bullets under that; do you see that?

13   A.   Yes.

14   Q.   The fourth bullet reads, primary

15   geographical target is EMEA with limited

16   opportunities in US and APAC." Do you see

17   that?

18   A.   Yes.

19   Q.   EMEA, is that Europe, the Middle

20   East and Africa?

21   A.   That is correct.

22   Q.   And APAC I think is Asia; is that

23   right?

24   A.   That is correct.

25   Q.   Why does this document say that the

HIGHLY CONFIDENTIAL

Page 159

1   JOHN - HIGHLY CONFIDENTIAL

2   Xandr Publisher ad server's primary

3   geographical target is EMEA?

4   A.   We try to -- we always build a

5   product to go globally, and we've been trying

6   to penetrate the US market with no success

7   for the last several years; but European

8   market is a bit attractive, and they are very

9   open to work with an open ecosystem like

10   Microsoft and Xandr. And because of the

11   response from European customers, we wanted

12   to devote our resources to where there are

13   more opportunities than US.

14   Q.   Why did you say that Xandr's

15   Publisher ad server has been trying to

16   penetrate the US market with no success for

17   several years?

18   A.   Number one is the AdX demand.

19   Number two is migration is very hard.

20   Publishers had to put an effort to migrate.

21   And the primary reason is the demand. They

22   are worried about losing the Google AdX

23   demand.

24   Q.   I think you said the primary reason

25   that Xandr's Publisher ad server had no

HIGHLY CONFIDENTIAL

Page 180

1   JOHN - HIGHLY CONFIDENTIAL

2   publisher, they have their own auto

3   management system, how they manage their

4   inventory, which page and how the prices get

5   sold and whatnot. And they have different

6   channels of sales, direct sales, programmatic

7   PG and all of those things. And then, when

8   you look at the pages, there are tags in each

9   of the pages, and each tag has a different

10   settings on float rise and optimization and

11   calling the measurements; so there are so

12   many things that they need to manage and

13   change at the page level.

14   So there are three types of work

15   involved. One is at the sales level on sales

16   channels and whatnot. The second one is at

17   the AdX level, how do they operate the

18   inventory and how do they manage the

19   placements and all of that at AdX level.

20   The third one is anything at the

21   tag level or the page level engineering team

22   or ID teams need to change. So it's like a

23   complete change of the properties to migrate

24   from one ad server to another ad server.

25   Q.   In the past ten years, how many

HIGHLY CONFIDENTIAL

Page 181

1   JOHN - HIGHLY CONFIDENTIAL

2   major US publishers has Xandr tried to

3   convince to switch from Google for Publisher

4   ad serving to Xandr for publisher ad serving,

5   for display?

6   A.   Multiple. And from a product

7   feature perspective, we meet the requirements

8   of all of RFPs and customers, but then when

9   it comes to the either the both the migration

10   cost and the loss of demand, customers back

11   off.

12   Q.   Can you list specific publishers,

13   US publishers?

17   Q.   If the competition between Google

18   and Xandr for publisher ad serving was just

19   about product features, how easy or difficult

20   would that competition be?

21   MS. DUNN: Objection, form.

22   A.   Based on the knowledge that I have

23   about Google's ad server, and based on what I

24   hear from the customers, based on the RFPs,

25   we go ahead and answer. But from a product